

approve this request under the grand fathering provision set forth in the June 27, 1988 memorandum signed by Gerald Emison, Director of the Office of Air Quality Planning and Standards, because the request was submitted to EPA prior to the post-1987 SIP call when the area had an approved attainment demonstration.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 29, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control. Hydrocarbons. Incorporation by reference. Intergovernmental relations. Ozone. Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 8, 1989.

William K. Reilly,  
Administrator.

Subpart H, part 52 of chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

##### Subpart H—Connecticut

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.370 is amended by adding paragraph (c)(47) to read as follows:

#### § 52.370 Identification of plan.

(c) \* \* \*

(47) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on November 5, 1987.

(i) *Incorporation by reference.* (A) Letter from the Connecticut Department of Environmental Protection dated November 5, 1987 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 8001 and attached Compliance Timetable for Frismar, Incorporated in Clinton, Connecticut.

State Order No. 8001 was effective on October 20, 1987.

(ii) *Additional materials.* (A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the alternative reasonably available control technology determination imposed on the facility.

[FR Doc. 89-27850 Filed 11-27-89; 8:45 am]

BILLING CODE 6560-60-M

#### 40 CFR Part 52

[FRL-3691-4; KY-060]

#### Approval and Promulgation of Implementations Plans—Kentucky: 401 KAR 50:010, Definitions and Abbreviations and 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today approves as State Implementation Plan (SIP) revisions amendments to Kentucky regulations 401 KAR 50:010 (Definitions and Abbreviations), and 401 KAR 51:017, Prevention of Significant Deterioration (PSD) of Air Quality. The first regulation, 401 KAR 50:010, is being amended to delete the applicability of the definition of volatile organic compounds (VOC) from the regulations for PSD and new source review (NSR) in nonattainment areas, and to change the definition of VOC to make it consistent with the federal definition for purposes of the new source performance standards. In order to reduce ambiguity regulation 401 KAR 51:017 is being amended to delete a sentence in section 8(3) relating to monitoring requirements for sources of VOC. The approval of these amendments will eliminate the remaining deficiencies in Kentucky's PSD regulations identified in the approval notice for 401 KAR 51:017 on September 1, 1989 (see 54 FR 36307).

DATE: This action will be effective on January 29, 1990, unless notice is received on or before December 28, 1989, that someone wishes to submit adverse or critical comments. Such notice may be submitted to Richard A. Schutt at the EPA Regional Office address listed below.

ADDRESSES: Copies of the material submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Environmental Protection Agency, 401  
M Street, SW., Washington, DC 20460

Environmental Protection Agency,  
Region IV, Air Programs Branch, 345  
Courtland Street, NE., Atlanta,  
Georgia 30365

Commonwealth of Kentucky Natural  
Resources and Environmental  
Protection Cabinet, 18 Reilly Road,  
Building #2, Fort Boone Plaza,  
Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT:  
Richard Schutt of the EPA Region IV Air  
Programs Branch at the above address,  
telephone (404) 347-2864 or FTS 257-  
2864.

SUPPLEMENTARY INFORMATION: On  
December 29, 1986, the Commonwealth  
of Kentucky submitted to EPA two  
regulations: 401 KAR 50:010, Definitions  
and Abbreviations, and 401 KAR 51:017,  
Prevention of Significant Deterioration  
(PSD). A public hearing was held to  
receive comments on these regulations  
on November 21, 1986. EPA requested  
that these amendments be made to  
eliminate the remaining deficiencies in  
Kentucky's PSD regulations. The  
deficiencies were identified in EPA's  
approval of the PSD regulations on  
September 1, 1989 (see 54 FR 36307).

Regulation 401 KAR 50:010 is being  
amended to change the definition of  
volatile organic compound (VOC) and  
delete the applicability of the definition  
of VOC from the regulations for PSD  
and NSR. Upon changing this definition  
of VOC, there will be no definition of  
VOC for the PSD and NSR regulations,  
just as there is no definition of VOC in  
the federal regulations for purposes of  
PSD and NSR. The new VOC definition  
is similar to the definition that is used in  
40 CFR part 60, the federal regulation for  
New Source Performance Standards  
(NSPS). Furthermore, VOC remains  
defined in certain Kentucky regulations  
in chapters 59 and 61 for new and  
existing sources, where it is applicable.

Kentucky also incorporates a list of  
eleven (11) VOC's which are not  
considered by EPA to be  
photochemically reactive into regulation  
401 KAR 50:010. The compounds on this  
list are exempt from any VOC  
regulatory action for the purpose of PSD  
and NSR. The list is incorporated by  
reference in 401 KAR 50:016. Kentucky is  
also excluding from the definition of  
VOC five (5) compounds that are not  
considered to be organic compounds  
under the previous definition.

Since the definition of VOC in some  
Kentucky regulations in chapters 59 and  
61 appears to conflict with the definition  
in 401 KAR 50:010, Kentucky states that  
the more specific definition shall apply.  
At the present time, no sources are  
affected by 401 KAR 50:010. Should any

source subject to PSD and NSR construct, reconstruct, or modify, it would not be required to adhere to the existing VOC definition.

Regulation 401 KAR 51:017, Prevention of Significant Deterioration of air quality, applies to major stationary sources and major modifications constructing in areas which are designated as attainment or unclassified. This regulation is being amended to delete the following sentence in Section 8(3): "Major volatile organic compound sources locating in an area unclassified for ozone may choose to accept the nonattainment area review requirement immediately pursuant to 401 KAR 51:052 and conduct post-approval monitoring for ozone." A similar exemption is available under federal regulations governing state regulations, but is restricted to exemptions from preconstruction monitoring. The Kentucky exemption can be interpreted to exempt the source from all PSD requirements, rather than only the preconstruction monitoring requirements. EPA requested that this change be made for clarification purposes.

#### Final Action

Since the amendments to 401 KAR 50:010 and 401 KAR 51:017 are the amendments requested by EPA to be consistent with EPA policy and requirements, the amendments are hereby approved.

EPA is publishing this action without prior proposal because the agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective January 29, 1990, unless, within 30 days of its publication, notice is received that adverse or critical comment will be submitted. If such notice is received, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 29, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state — implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, and volatile organic compounds.

**Note:** Incorporation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 5, 1989.

Lee A. DeHihns III,  
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

#### PART 52—[AMENDED]

##### Subpart S—Kentucky

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.920 is amended by adding paragraph (c)(63) to read as follows:

##### § 52.920 Identification of plan.

(c) \* \* \*

(63) Revisions to Kentucky Regulations 401 KAR 50:010, Definitions and abbreviations and 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, submitted on December 29, 1986, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) *Incorporation by reference.* (A) Revisions in Kentucky Regulations are as follows. 401 KAR 50:010, Definitions and abbreviations section 1(49), and 401 KAR 51:017 Prevention of Significant Deterioration of Air Quality, Section 8(3). These revisions were state effective December 2, 1986.

(ii) *Other material.* (A) Letter of February 9, 1988, from the Kentucky

Natural Resources and Environmental Protection Cabinet.

[FR Doc. 89-27851 Filed 11-27-89; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 52

[Region II Docket No. 99; FRL-3692-1]

#### Approval and Promulgation of Implementation Plans; Revision to the State of New York Implementation Plan for Ozone

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is today announcing the approval of a request by New York to revise its State Implementation Plan (SIP) for ozone. This revision was prepared by the New York State Department of Environmental Conservation pursuant to a SIP commitment to implement appropriate actions in order to reduce ozone levels as required under section 110 and part D of the Clean Air Act. The revision incorporates into the New York SIP a revised regulation, part 230, "Gasoline Dispensing Sites and Transport Vehicles," which will reduce volatile organic compound emissions due to motor vehicle refueling at certain gasoline stations in the New York City metropolitan area.

**EFFECTIVE DATE:** This action will be effective December 28, 1989.

**ADDRESSES:** Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region II Office, Air Programs Branch,  
26 Federal Plaza, room 1005, New York, New York 10278  
Public Information Reference Unit,  
Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460  
New York State Department of Environmental Conservation Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:** Mr. William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, room 1005, New York, New York 10278 (212) 264-2517.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 19, 1988 (53 FR 50975) the Environmental Protection Agency

(EPA) published a Notice of Proposed Rulemaking (NPR) for revisions of the New York State Implementation Plan (SIP) for ozone. These revisions add requirements for the control of gasoline vapors resulting from the refueling of vehicle fuel tanks at gasoline service stations (known as Stage II) and were adopted by the State on March 2, 1988 as revisions to part 230, title 6 of the New York Code of Rules and Regulations, entitled "Gasoline Dispensing Sites and Transport Vehicles." The revisions and the rationale for EPA's proposed approval were fully explained in the NPR and will not be restated here since this final action does not differ from that discussed in the NPR. No public comments were received on the NPR.

#### Conclusion

EPA has reviewed the State's submittal and finds that the Stage II program adopted by the State is equivalent to the program committed to in the SIP and, thus, adequately fulfills the State's SIP commitment. Therefore, EPA is approving New York's request to revise its SIP for ozone to revise part 230, "Gasoline Dispensing Sites and Transport Vehicles."

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act, and 40 CFR part 51.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements [See section 307(b)(2)].

#### List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 31, 1989.

William K. Reilly,  
Administrator, Environmental Protection Agency.

Title 40, chapter I, subchapter C, part 52, Code of Federal Regulations is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Subpart HH—New York

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1670 paragraph (c) is amended by adding new paragraph (c)(80) to read as follows:

#### § 52.1670 Identification of plan.

(c) \* \* \*

(80) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on July 9, 1987 and April 8, 1988 by the New York State Department of Environmental Conservation (NYSDEC).

(i) *Incorporated by reference:* Amendments to part 230, title 6 of the New York Code of Rules and Regulations entitled "Gasoline Dispensing Sites and Transport Vehicles," adopted on March 2, 1988.

(ii) *Additional material:* (A) Explanation of Stage II Applicability Cut-offs, prepared by the NYSDEC, dated June 20, 1986.

(B) NYSDEC testing procedures for Stage II Vapor Recovery Systems.

3. Section 52.1679 is amended by revising the entry for part 230 to the table to read as follows:

#### § 52.1679 EPA—approved New York regulations.

State regulation	State effective date	EPA approved date	Comments
Part 230 "Gasoline Dispensing Sites and Transport Vehicles."	32/88	11-28-89, 54 FR 48898	

[FR Doc. 89-27847 Filed 11-27-89; 8:45 am]  
BILLING CODE 6560-50-M

### 40 CFR Part 271

[FRL-3691-9]

### Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

**SUMMARY:** The State of Louisiana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Louisiana application and has made a decision, subject to public review and comment, that the Louisiana hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving the Louisiana hazardous waste program revision application unless adverse public comment shows the need for further review. The Louisiana application is available for public review and comment.

**DATES:** Final authorization for the Louisiana revisions shall be effective January 29, 1990, unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on the Louisiana program revision application must be received by the close of business December 28, 1989.

**ADDRESSES:** Copies of the Louisiana program revision application and the materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: Louisiana Department of Environmental Quality, 625 North 4th Street, Baton Rouge, Louisiana 70804, phone (504) 342-9072; U.S. EPA, Region 6, Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6444; and U.S. EPA, Headquarters, Library, PM 211A, 401 M Street SW., Washington, DC 20460, phone (202) 382-5926. Written comments, referring to Docket Number LA-89-1, should be sent to Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous

waste program that is equivalent to the Federal program, consistent with the Federal or State programs applicable in other States, and provides adequate enforcement of compliance with the requirements of RCRA. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. These State program revisions are necessitated by changes to EPA's regulations.

#### B. Louisiana

The State of Louisiana received final authorization on February 7, 1985, (50 FR 3348, published on January 24, 1985) to implement its base hazardous waste management program. On May 16, 1989, the State of Louisiana submitted a complete program revision application for additional program revisions. Louisiana is seeking approval of these program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed the Louisiana application, and has made a decision that the Louisiana hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization for these modifications to the Louisiana program.

The public may submit written comments on EPA's decision to authorize the revisions in an immediate final rule until December 28, 1989.

Copies of the Louisiana application for program revision and the materials which EPA used in evaluating the revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of the Louisiana program revision application will become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the 30 day comment period. If an adverse comment is received, EPA will publish either (1) a

withdrawal of the immediate final rule or (2) a notice containing a response to comment which either affirms that the immediate final rule takes effect or reverses the decision.

The Louisiana program revision application included State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 260 through 266, 270, and 271 that were published in the Federal Register through May 28, 1986. EPA is not authorizing the State's provisions which are analogous to the Hazardous and Solid Waste Amendments of 1984 (HSWA) provisions, including the availability of information provisions, with this notice. This proposed approval is, therefore, limited to the non-HSWA provisions that are listed in the chart below. This chart lists the State rules that are being recognized as equivalent to the appropriate Federal rules.

Federal citation	State analog
1. Permit Rules—Settlement Agreement—change to 40 CFR part 270, as published in the FEDERAL REGISTER on April 24, 1984.	1. Louisiana Hazardous Waste Regulations (LHWR) sec. 4303(F), effective April 13, 1988.
2. Listing of Warfarin & Zinc Phosphide as a hazardous waste—changes to 40 CFR part 261—as published in the FEDERAL REGISTER on May 10, 1984.	2. LHWR secs. 4901.E., effective April 13, 1988.
3. Exclusion of Stabilized Pickle Liquor Sludge—changes to 40 CFR part 261—as published in the FEDERAL REGISTER on June 5, 1984.	3. LHWR sec. 105.D, effective April 13, 1988.
4. The Exclusion of Household Waste as a Hazardous Waste—change to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on November 13, 1984.	4. LHWR sec. 105.D.10, effective April 13, 1988, as amended November 21, 1988.
5. Applicability of Interim Status Standards to Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR part 265, subpart A—as published in the FEDERAL REGISTER on November 21, 1984.	5. LHWR sec. 4301.A and B, effective April 13, 1988, as amended November 21, 1988.
6. Corrections to the Test Methods Manual—changes to 40 CFR parts 260, subparts B and C and 270, subpart A—as published in the FEDERAL REGISTER on December 4, 1984.	6. LHWR sec. 105.I.1., effective April 13, 1988, as amended November 21, 1988.
7. Satellite Accumulation Rule—changes to 40 CFR part 262, subpart C—as published in the FEDERAL REGISTER on December 20, 1984.	7. LHWR sec. 1109.E.4, effective April 13, 1988, as amended November 21, 1988.
8. Redefinition of Solid Waste—changes to 40 CFR parts 260, subparts B and C; 261, subparts A and D; 264, subparts A and O; 265, subparts A, O, and P; and 266, subparts C, D, F, and G—as published in the FEDERAL REGISTER on January 4, 1985.	8. LHWR secs. 105.B; 105.D.28-35; 109; 3105; 3907; 4105.A and B; 4113; 4115; 4139.A.2; 4139.B.2 and 3; 4141.A.1 and 2; B.1.C.1 and 2, D, E, and F; 4143.A,B,C and D; 4513; 4523; 4901.A and C, effective April 13, 1988, as amended November 21, 1988.
9. Interim Status Standards for Landfills—changes to 40 CFR part 265, subparts K, M, and N—as published in the FEDERAL REGISTER.	1. LHWR sec. 2521.A and B; 2517.A and B, effective April 13, 1988.
10. Financial Responsibility: Settlement Agreement—changes to 40 CFR parts 260, subpart B; 264, subparts G and H; 265, subparts G and H; and 270, subparts B, D, and G—as published in the FEDERAL REGISTER on May 2, 1986.	2. LHWR secs. 109; 321.C and C.4 517.N-P; 3501.B and C; 3507 3511.3517; 3521-3527; 3703.A.7; 3705.A-C; 3707.A.10.B.4, C.5, D.8, E.5, F.1, I; 3709.A-C; 3711.A.11, B.4, C.5, D.9, E.5 F.1 and 2, I; 3715.E; 3719.13; 4377-4387; 4389.A-D; 4391-4395; 4397.A; 4399; 4401; 4403.A.10, B.4, C.1 and C.8, D.5, E.1 and 2, H; 4405.A-C; 4407.A.11, B.4 D.5 and 9, E.1 and 2, H; 4411.E, effective April 13, 1988, as amended November 21, 1988.
11. Listing of Spent Pickle Liquor from Steel Finishing Operations—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 28, 1986.	11. LHWR sec. 4901.C, effective April 13, 1988.

The State of Louisiana is not authorized to operate its hazardous waste program on Indian lands.

#### C. Decision

I conclude that the Louisiana program revision application meets all of the statutory and regulatory requirements established by RCRA. Accordingly,

Louisiana will be granted final authorization to operate its hazardous waste program as revised. Louisiana's responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, will be subject to the limitation of its revised program

application and previously approved authorities. Louisiana has primary enforcement responsibilities and EPA will exercise its enforcement responsibilities in accordance with the Memorandum of Agreement between EPA and Louisiana.

**D. Codification in Part 272**

EPA uses part 272 for codification of the decision to authorize the Louisiana program and for incorporation by reference of those provisions of the Louisiana statutes and regulations that EPA will enforce under subtitle C of RCRA. Therefore, EPA will soon amend part 272, subpart T, under a separate notice.

**Compliance With Executive Order 12291**

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

**Compliance Under the Regulatory Flexibility Act**

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization does not create any new requirements, but simply approves requirements that are already State law. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**List of Subjects in 40 CFR Part 271**

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: Sec. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended in 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: August 22, 1989.

Robert E. Layton, Jr.,

Regional Administrator.

[FR Doc. 89-27848 Filed 11-27-89; 8:45 am]

BILLING CODE 6560-50-M

**§ 64.6 List of eligible communities.****FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 64**

[Docket No. FEMA 6855]

**List of Communities Eligible for the Sale of Flood Insurance**

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

**EFFECTIVE DATE:** The dates listed in the third column of the table.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration (202) 646-2717, Federal Center Plaza, 500 C Street SW., Room 417, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

**List of Subjects in 44 CFR Part 64**

Flood insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date
<b>New Eligibles—Emergency Program</b>			
Nebraska: Seward County, unincorporated areas.....	310474	Oct. 4, 1989.....	June 7, 1977.
Tennessee: Benton County, unincorporated areas.....	470218	.....do.....	Jan. 10, 1975.
Iowa: Corwith, city of, Hancock County <sup>1</sup> .....	190407	Oct. 11, 1989.....	Oct. 22, 1976.
Missouri: Lawson, city of, Clay County.....	290705	Oct. 19, 1989.....	June 4, 1976.
<b>New Eligibles—Regular Program</b>			
Nevada: Storey County, unincorporated areas.....	320033	Oct. 4, 1989.....	Feb. 19, 1987.
Ohio: Butler County, unincorporated areas <sup>1</sup> .....	390037	Oct. 5, 1989.....	Oct. 16, 1983.
California: Highland, city of, San Bernardino County.....	060732	Oct. 19, 1989.....	Sept. 29, 1989.